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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/679,463	10/07/2003	Jihyun Ahn		3161
7590	06/03/2005		EXAMINER	
Jihyun Ahn 510 W. Bemont Ave. # 1410 Chicago, IL 60657			HENDERSON, MARK T	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/679,463	AHN, JIHYUN	
	<b>Examiner</b> Mark T Henderson	<b>Art Unit</b> 3722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 04 March 2005.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 10-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 10-30 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_

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## **DETAILED ACTION**

### **Faxing of Responses to Office Actions**

In order to reduce pendency and avoid potential delays, TC 3700 is encouraging FAXing of responses to Office Actions directly into the Group at (703)872-9306. This practice may be used for filing papers which require a fee by applicants who authorize charges to a PTO deposit account. Please identify the examiner and art unit at the top of your cover sheet. Papers submitted via FAX into TC 3700 will be promptly forwarded to the examiner.

1. Claims 1-9 have been canceled. Claims 10-30 have been added for further examination.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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2. Claims 10-23 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The limitation: "...the graphic material on the front surface of the second sheet and the back surfaces of the sheet that directly overlies the second sheet viewable together with the book configured to expose the front surface of the second sheet." in line 19 and 20 is not disclosed in the specification or drawings.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 10-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not understood what is meant by "b)" on line 12. Should there be a "a)"? It is also not understood what is meant by "...the back surface of the sheet that directly overlies the second sheet viewable together with the book configured to expose the front surface of the second sheet" in line 19 and 20.

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***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10-18 and 20-30 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Strasbourg (CH-620,641A5).

Strasbourg discloses in Fig. 1-3, a book comprising: a first plurality of sheets (n) having a peripheral edges (E1, E2, E3) and oppositely facing front and back surfaces (not shown); a binding on a bound edge portion (on edge B, not directly shown) that maintains the sheets in a stacked arrangement; the peripheral edges (E1, E2, E3) configured so that a user can engage the book at a first location having a straight edge part extending along a first line (A1...An) and flip directly from a first sheet (1) to a second sheet (3) by engaging the first sheet (1) and second sheet (3) at or adjacent peripheral edges (A1, A2, ..An) without exposing the front surface of a third sheet (2) or fourth added sheet (seen in Fig. 1) between the first sheet (1) and second sheet (3), as can be seen in Fig. 1; a user can engage the book at a second location having a straight edge part extending along a second line (B1...Bn) and flip directly from a fourth sheet (4) to a fifth sheet (9) at or adjacent to the peripheral edges of the fourth and fifth sheet to expose the front surfaces

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of the fourth and fifth sheets without exposing the front surfaces of a sixth intermediate sheet (5); and wherein the front and back surfaces of the plurality of sheets can have indicia; a front cover (seen in Fig. 2).

However, Strasbourg does not disclose: wherein the front surfaces of the first and second sheets and the back surface of the sheet that directly overlies the second sheet has related graphic material; a first graphic image/element on front surface of the first sheet; a second graphic element on the front surface of the second sheet, wherein the first and second graphic images/elements are related, or substantially the same; lined notebook surfaces having graphic images; a third and fourth graphic image element on the fourth sheet and fifth sheet, which are related; wherein the first and second graphic images/elements are related in a manner different than the first and second images are related to the third and fourth image/elements.

In regards to Claims 10-15, and 29, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place any type of graphic indicia on the front and back surfaces of the bound sheets, since it would only depend on the intended use of the assembly and the desired information to be displayed. Further, it has been held that when the claimed printed matter is not functionally related to the substrate it will not distinguish the invention from the prior art in terms of patentability. The fact that the content of the printed matter placed on the substrate may render the device more convenient by providing an end user with a specific type of information document or form does not alter the functional relationship. Mere support by the substrate for the printed matter is not the kind of functional relationship

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necessary for patentability. Therefore, it would have been obvious to place any type of indicia on the bound sheets, since applicant has not disclosed the criticality of type of indicia, and invention would operate equally as well with any type of placed indicia.

In regards to Claims 17, 18, and 25, it would have been an obvious matter of design choice to extend the straight edge parts at any desirable length, since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. Therefore, it would have been obvious to form the edge parts in any desirable length or any desirable angle, since applicant has not disclosed the criticality of forming the edge parts at a particular length or angle, and invention would operate equally as well with an edge part at any desirable dimension.

***Allowable Subject Matter***

5. Claim 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

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***Prior Art References***

The prior art references listed in the attached PTO-892, but not used in a rejection of the claims, are cited for (their/its) structure. Alon et al, and LeCroart discloses similar flipping books.

***Response to Arguments***

6. Applicant's arguments with respect to claims 10-30 have been considered but are moot in view of the new ground(s) of rejection.

The Strasbourg is now used to reject claims 10-30. Strasbourg now discloses a book having graphic indicia and peripheral edges used for flipping through specific pages in any direction.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

#### **Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Henderson whose telephone number is (571)272-4477. The examiner can be reached on Monday - Friday from 7:30 AM to 3:45 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner supervisor, Derris Banks, can be reached on (571) 272-4419. The fax number for TC 3700 is (703)-872-9306.



MTH

May 30, 2005



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